

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Larry E. Smith as trustee for  
the Heirs and Next of Kin of  
David Cornelius Smith

Case No. 11-cv-03071 (SRN/JJK)

Plaintiff,

vs.

**PLAINTIFF'S FIRST SET OF  
REQUESTS FOR ADMISSION TO  
DEFENDANTS**

Timothy Gorman and Timothy Callahan,  
acting in their individual capacities  
as Minneapolis police officers, and  
The City of Minneapolis,

Defendants.

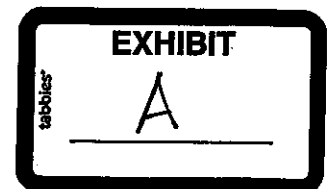
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TO: DEFENDANTS GORMAN, CALLAHAN, AND THE CITY OF  
MINNEAPOLIS AND ITS ATTORNEY C. LYNNE FUNDINGSLAND,  
ASSISTANT CITY ATTORNEY, CITY HALL, ROOM 210, 350 S. 5TH ST.,  
MINNEAPOLIS, MN 55415.

The following Requests for Admissions are served upon you pursuant to Rule 36 of the Federal Rules of Civil Procedure. The Admissions will be deemed admitted unless Defendants provide an answer to each Admission within thirty (30) days of the date of service. Each request is directed to each of the Defendants. Each Defendant may respond separately to the extent the response differs.

**REQUESTS**

1. Admit that the immediate cause of David Smith's ("Smith") death was anoxic encephalopathy.
2. Admit that Smith suffered a cardiopulmonary arrest on September 9, 2010.
3. Admit that Smith's anoxic encephalopathy was due to or as a consequence of the cardiopulmonary arrest Smith suffered on September 9, 2010.



4. Admit that the cardiopulmonary arrest Smith suffered on September 9, 2010, occurred while Smith was being taken into custody by Minneapolis Police Officers Callahan and Gorman.

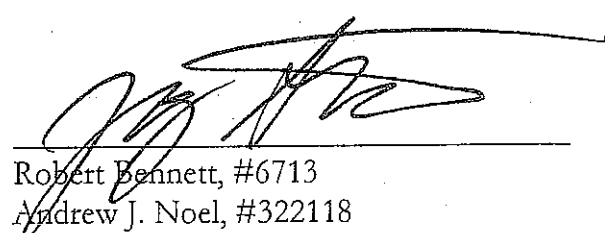
5. Admit that the cardiopulmonary arrest Smith suffered on September 9, 2010, was due to or as a consequence of mechanical asphyxia.

6. Admit that the mechanical asphyxiation of Smith on September 9, 2010, was caused, in whole or in part, by pressure or force exerted on Smith's body by Defendant Callahan.

7. Admit that the mechanical asphyxiation of Smith on September 9, 2010, was caused, in whole or in part, by pressure or force exerted on Smith's body by Defendant Gorman.

**GASKINS BENNETT BIRRELL SCHUPP LLP**

Dated: 12/20/11



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